

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Federal Trade Commission, et al.

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

See Attachment

DEFENDANTS

The Kroger Company; Albertsons Companies, Inc.

County of Residence of First Listed Defendant Hamilton
(IN U.S. PLAINTIFF CASES ONLY)NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

See Attachment

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- | | |
|---|---|
| <input checked="" type="checkbox"/> 1 U.S. Government Plaintiff | <input type="checkbox"/> 3 Federal Question
(U.S. Government Not a Party) |
| <input type="checkbox"/> 2 U.S. Government Defendant | <input type="checkbox"/> 4 Diversity
(Indicate Citizenship of Parties in Item III) |

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)
(For Diversity Cases Only)

	PTF	DEF	PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4 <input checked="" type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5 <input checked="" type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6 <input checked="" type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	PERSONAL INJURY	PERSONAL INJURY	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 375 False Claims Act
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input checked="" type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 330 Federal Employers' Liability	INTELLECTUAL PROPERTY RIGHTS	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability	PERSONAL PROPERTY	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 835 Patent - Abbreviated New Drug Application	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 355 Motor Vehicle	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 880 Defend Trade Secrets Act of 2016	<input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692)
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 385 Property Damage Product Liability	SOCIAL SECURITY	<input type="checkbox"/> 485 Telephone Consumer Protection Act
<input type="checkbox"/> 195 Contract Product Liability			<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 196 Franchise			<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 850 Securities/Commodities/ Exchange
REAL PROPERTY	CIVIL RIGHTS	PRIISONER PETITIONS		
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 440 Other Civil Rights	Habeas Corpus:	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 890 Other Statutory Actions
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 463 Alien Detainee	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 530 General	FEDERAL TAX SUITS	<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 896 Arbitration
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	Other:	<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision
	<input type="checkbox"/> 448 Education	<input type="checkbox"/> 540 Mandamus & Other		<input type="checkbox"/> 950 Constitutionality of State Statutes
		<input type="checkbox"/> 550 Civil Rights		
		<input type="checkbox"/> 555 Prison Condition		
		<input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement		

V. ORIGIN (Place an "X" in One Box Only)

- | | | | | | | |
|---|---|--|---|--|--|---|
| <input checked="" type="checkbox"/> 1 Original Proceeding | <input type="checkbox"/> 2 Removed from State Court | <input type="checkbox"/> 3 Remanded from Appellate Court | <input type="checkbox"/> 4 Reinstated or Reopened | <input type="checkbox"/> 5 Transferred from Another District (specify) _____ | <input type="checkbox"/> 6 Multidistrict Litigation - Transfer | <input type="checkbox"/> 8 Multidistrict Litigation - Direct File |
|---|---|--|---|--|--|---|

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
15 U.S.C § 53(b) - FTC Act § 13(b); 15 U.S.C. § 26 - Clayton Act § 16.**VI. CAUSE OF ACTION**

Brief description of cause:

Action for injunctive relief in aid of administrative adjudication

VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION
UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE _____

DOCKET NUMBER _____

DATE

SIGNATURE OF ATTORNEY OF RECORD

Feb 26, 2024

/s/ Charles Dickinson

FOR OFFICE USE ONLY

RECEIPT # _____

AMOUNT _____

APPLYING IFP _____

JUDGE _____

MAG. JUDGE _____

ATTACHMENT TO CIVIL COVER SHEET

I(a). Plaintiffs

Federal Trade Commission
State of Arizona
State of California
District of Columbia
State of Illinois
State of Maryland
State of Nevada
State of New Mexico
State of Oregon
State of Wyoming

I(c). Plaintiff's Attorneys

FOR PLAINTIFF FEDERAL TRADE COMMISSION:

Charles Dickinson
James H. Weingarten
Elizabeth Arens
Katherine Bies
Emily Blackburn
Katherine Drummonds
Paul Frangie
Laura Hall
Jacob Hamburger
Lily Hough
Janet Kim
Kenneth A. Libby
Eric Olson
Rohan Pai
Harris Rothman
Mark Seidman
Joshua Smith
Albert Teng

Federal Trade Commission
600 Pennsylvania Avenue NW
Washington, DC 20580
Phone: (202) 326-2617
Email: cdickinson@ftc.gov
jweingarten@ftc.gov

FOR PLAINTIFF STATE OF ARIZONA:

Robert A. Bernheim
Jayme L. Weber
Vinny Venkat
Connor Nolan

Arizona Office of the Attorney General
2005 N. Central Avenue
Phoenix, AZ 85004
Phone: (602) 542-5025
Email: Robert.Bernheim@azag.gov
Jayme.Weber@azag.gov
Vinny.Venkat@azag.gov
Connor.Nolan@azag.gov

FOR PLAINTIFF STATE OF CALIFORNIA:

Nicole Gordon
Shira Hoffman

California Department of Justice
455 Golden Gate Ave., Suite 11000
San Francisco, CA 94102
Phone: (415) 510-3458
E-mail: Nicole.Gordon@doj.ca.gov
Shira.Hoffman@doj.ca.gov

FOR PLAINTIFF DISTRICT OF COLUMBIA:

Adam Gitlin
Amanda Hamilton
C. William Margrabe

Office of the Attorney General for the District of Columbia
400 6th Street, N.W, 10th Floor
Washington, D.C. 20001
Phone: (202) 727-3400
Email: Amanda.Hamilton@dc.gov
Will.Margrabe@dc.gov

FOR PLAINTIFF STATE OF ILLINOIS:

Brian M. Yost
Paul J. Harper
Alice Riechers

Office of the Illinois Attorney General
115 S. LaSalle St.
Chicago, IL 60603
Phone: (872) 276-3598
Email: Brian.Yost@ilag.gov
Paul.Harper@ilag.gov
Alice.Riechers@ilag.gov

FOR PLAINTIFF STATE OF MARYLAND:

Schonette J. Walker
Gary Honick
Byron Warren

Office of the Attorney General
200 St. Paul Place, 19th Floor
Baltimore, MD 21202
Phone: (410) 576-6470
Email: swalker@oag.state.md.us
ghonick@oag.state.md.us
bwarren@oag.state.md.us

FOR PLAINTIFF STATE OF NEVADA:

Lucas J. Tucker
Samantha B. Feeley

Office of the Nevada Attorney General
100 N. Carson St.
Carson City, Nevada 89701
Phone: (775) 684-1100
Email: ltucker@ag.nv.gov
sfeeley@ag.nv.gov

FOR PLAINTIFF STATE OF NEW MEXICO:

Julie Ann Meade
Jeff Dan Herrera

New Mexico Department of Justice
408 Galisteo St.
Santa Fe, NM 87504
Phone: (505) 717-3500
Email: jmeade@nmag.gov

jherrera@nmag.gov

FOR PLAINTIFF STATE OF OREGON:

Cheryl F. Hiemstra
Tim D. Nord
Chris Kayser
Tania Manners

Oregon Department of Justice
100 SW Market Street
Portland, OR 97201
Phone: (503) 934-4400
Email: Cheryl.Hiemstra@doj.state.or.us
Tim.D.Nord@doj.state.or.us
cjkayser@lvklaw.com
tmanners@lvklaw.com

FOR PLAINTIFF STATE OF WYOMING:

William Young

Office of the Wyoming Attorney General
109 State Capitol
Cheyenne, WY 82002
Phone: (307) 777-7847
Email: William.Young@wyo.gov

Defendants' Attorneys

FOR DEFENDANT THE KROGER COMPANY:

Michael B. Bernstein
Arnold & Porter Kaye Scholer LLP
601 Massachusetts Ave, NW
Washington, DC 20001
Phone: (202) 942-5227
Email: michael.b.bernstein@arnoldporter.com

FOR DEFENDANT ALBERTSONS COMPANIES, INC.:

Ted Hassi
Debevoise & Plimpton LLP
801 Pennsylvania Avenue, NW
Washington, DC 20004
Phone: (202) 383-8135

Email: thassi@debevoise.com

George L. Paul
White & Case LLP
701 13th Street, NW
Washington, DC 20005
Phone: (202) 626-3656
Email: g paul@whitecase.com